



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 220210-0043]

RIN 0648-BL07

Revisions to Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; adjustment to specifications; correction.

SUMMARY: This final rule distributes sector allocation carried over from fishing year 2020 into fishing year 2021 and corrects the regulations implementing Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan. This action is necessary to correct regulatory errors and to allocate carryover quota to sectors. The carryover adjustments are routine and formulaic, and industry expects them each year.

DATES: The correction to 50 CFR 648.85 is effective February 16, 2022. The distribution of sector allocation carried over into fishing year 2021 is effective February 16, 2022, through April 30, 2022.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, (978) 281-9232.

SUPPLEMENTARY INFORMATION: On July 28, 2021, we published a final rule approving Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan (FMP) (86 FR 40353), which set or adjusted 2021-2023 annual catch limits (ACL) for 17 of the 20 groundfish stocks, and 2021 ACLs for three shared U.S./Canada stocks. Framework 61 also approved and implemented the Universal Sector Exemption for

Acadian Redfish (Redfish). This rule distributes unused sector quota carried over from fishing year 2020 and corrects a regulatory error which incorrectly defines the boundaries of the Redfish Exemption Area and Redfish Exemption Area Seasonal Closure II.

Sector Carryover Allocations from Fishing Year 2019

Carryover regulations at 50 CFR 648.87(b)(1)(i)(C) allow each groundfish sector to carry over an amount of unused Annual Catch Entitlement (ACE) equal to 10 percent of the sector's original ACE for each stock (except for Georges Bank [GB] yellowtail flounder) that is unused at the end of the fishing year into the following fishing year. We are required to adjust ACE carryover to ensure that the total unused ACE combined with the overall sub-ACL does not exceed the Acceptable Biological Catch (ABC) for the fishing year in which the carryover may be harvested. We have completed 2020 fishing year data reconciliation with sectors and determined final 2020 fishing year sector catch and the amount of allocation that sectors may carry over from the 2020 to the 2021 fishing year. Unused ACE from fishing year 2020 available to carry over to 2021 was reduced for the following stocks: Georges Bank (GB) cod; GB haddock; Gulf of Maine (GOM) haddock; Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder; Cape Cod/GOM yellowtail flounder; American plaice; witch flounder; GB winter flounder; GOM winter flounder; SNE/MA winter flounder; redfish; white hake; and pollock. Complete details on carryover reduction percentages can be found at:

https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish_catch_accounting.

Table 1 includes the maximum amount of allocation that sectors may carry over from the 2020 to the 2021 fishing year. Table 2 includes the *de minimis* amount of carryover for each sector for the 2021 fishing year. If the overall ACL for any allocated stock is exceeded for the 2021 fishing year, the allowed carryover harvested by a sector, minus the pounds in the sector's *de minimis* amount, will be counted against its allocation

to determine whether an overage subject to an accountability measure occurred. Tables 3 and 4 list the final ACE available to sectors for the 2021 fishing year, including finalized carryover amounts for each sector, as adjusted down when necessary to equal each stock's ABC.

Correction to Redfish Exemption Areas

The Redfish Exemption Program defined at § 648.85(e)(1) allows sector vessels to target redfish using a 5.5-inch (14.0-centimeter (cm)) mesh codend within the Redfish Exemption Area, defined in the regulations at § 648.85(e)(1)(ii). Also included in the regulations for the Redfish Exemption Program are two seasonal closure areas in which no vessel may participate in the Redfish Exemption Program. These are the Redfish Exemption Area Cod Closure defined at § 648.85(e)(1)(ii)(A) and the Redfish Exemption Area Seasonal Closure II defined at § 648.85(e)(1)(ii)(B).

Portions of the boundaries for both the Redfish Exemption Area and the Redfish Exemption Area Seasonal Closure II follow the boundaries of the U.S. Exclusive Economic Zone (EEZ). The regulations that currently list the points delineating these areas state that the areas are defined by straight lines connecting the following points in the order stated. For both areas, when straight lines are drawn between points located on the U.S. EEZ and preceding or subsequent points, the boundaries of the areas that result do not follow the boundaries of the U.S. EEZ as intended. As a result, small portions of the Redfish Exemption Area and Redfish Exemption Area Seasonal Closure II currently extend past the boundary of the U.S. EEZ, into Canadian waters.

This rule corrects this error by revising the regulations at § 648.85(e)(1)(ii) and § 648.85(e)(1)(ii)(B) to correctly state that the lines connecting points located on the U.S. EEZ follow the boundary of the U.S. EEZ.

Though the erroneous definitions for the Redfish Exemption Area and Redfish Exemption Area Seasonal Closure II extended these areas past the U.S. EEZ into

Canadian waters, they did not authorize vessels to fish in Canadian waters. The correction being implemented by this rule, as a result, does not change any operational aspect of the Redfish Exemption Program. Instead, it is an administrative change designed to ensure regulations are written accurately and to reduce confusion.

Table 1 -- Finalized Carryover ACE from Fishing Year 2020 to Fishing Year 2021 (lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	16,430	445	0	172,200	4,524	0	19	1,789	1,675	1,833	29	4,445	449	6,702	3,101	74,863
MCCS	0	3,075	7,233	0	293,325	195,771	0	40	3,069	39,704	15,287	410	1,305	689	101,539	45,233	279,414
MOON	0	15,676	2,043	0	348,252	66,035	0	8	2,158	2,472	2,691	362	869	850	31,373	3,389	120,505
NEFS 2	0	8,592	16,303	0	998,907	489,133	0	45	20,959	35,991	22,998	1,304	8,611	1,580	182,749	32,056	328,328
NEFS 4	0	9,773	5,180	0	543,722	193,158	0	61	5,333	30,760	13,961	280	2,601	371	43,523	2,554	151,973
NEFS 5	0	633	0	0	76,224	77	0	544	171	1,397	884	177	3	4,513	171	256	941
NEFS 6	0	4,166	1,913	0	335,199	95,904	0	139	3,799	14,815	9,527	697	1,785	714	80,586	15,479	81,206
NEFS 7	0	3,816	510	0	219,355	39,487	0	55	1,054	9,731	3,315	3,208	99	1,092	30,411	7,266	37,814
NEFS 8	0	11,010	738	0	723,744	15,839	0	192	5,474	10,544	5,793	9,680	1,720	3,625	10,814	3,657	26,651
NEFS 10	0	694	1,500	0	16,518	27,904	0	15	3,573	3,495	3,225	4	3,188	225	3,962	1,765	16,898
NEFS 11	0	526	7,499	0	3,257	62,453	0	0	2,106	5,492	2,529	1	746	8	22,989	11,039	197,132
NEFS 12	0	830	1,742	0	8,761	22,060	0	0	6,542	1,625	894	0	2,639	81	2,682	963	17,163
NEFS 13	0	15,608	473	0	1,914,135	21,091	0	634	5,440	27,537	14,551	7,034	750	5,864	51,879	7,624	58,560
SHS1	0	2,997	1,805	0	211,991	83,214	0	3	1,814	17,332	6,096	842	1,151	281	35,386	15,167	59,532
SHS2	0	3,233	2,937	0	115,913	67,454	0	83	3,474	10,954	4,673	1,471	1,513	1,294	36,748	14,738	138,355
SHS3	0	30,802	5,466	0	3,165,469	712,483	0	359	12,605	97,318	43,852	11,971	1,636	11,425	480,629	69,394	562,369
Total	0	127,861	55,787	0	9,146,972	2,096,587	0	2,197	79,360	310,842	152,109	37,470	33,061	33,061	1,122,143	233,681	2,151,704

Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Mooncusser Sector (MOON), Maine Permit Bank (MPB), New Hampshire Permit Bank (NHPB), Northeast Coastal Communities Sector (NCCS), Northeast Fishery Sectors (NEFS), and Sustainable Harvest Sector (SHS)

Table 2 -- *De Minimis* Carryover ACE from Fishing Year 2020 to Fishing Year 2021 (lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	3,112	42	0	33,154	410	0	1	261	297	319	2	497	65	1,215	479	13,949
MCCS	0	594	854	0	57,731	25,155	0	9	761	8,223	3,234	150	345	128	20,736	6,365	55,008
MOON	0	2,882	371	0	64,706	8,361	0	3	459	507	526	117	176	155	10,123	3,389	43,053
NEFS 2	0	1,567	1,586	0	180,523	50,399	0	6	3,823	6,616	4,252	399	1,519	265	32,422	3,997	59,450
NEFS 4	0	1,784	665	0	98,270	20,115	0	8	975	5,627	2,572	86	460	63	14,236	2,554	28,075
NEFS 5	0	114	0	0	9,813	77	0	63	145	273	190	39	3	718	39	37	157
NEFS 6	0	750	174	0	60,581	9,965	0	18	638	2,691	1,744	214	294	121	14,530	2,013	14,987
NEFS 7	0	112	1	0	6,712	38	0	4	8	148	74	37	3	12	337	35	741
NEFS 8	0	2,349	141	0	155,321	11,531	0	26	1,051	4,502	1,847	3,693	245	649	10,814	1,999	16,374
NEFS 10	0	127	147	0	2,985	2,906	0	2	653	639	594	1	564	38	715	292	3,122
NEFS 11	0	96	689	0	586	6,320	0	0	372	939	466	0	127	1	4,007	1,917	35,865
NEFS 12	0	152	187	0	1,584	2,470	0	0	1,310	471	181	0	817	16	486	132	3,182
NEFS 13	0	3,049	48	0	360,681	2,215	0	82	1,068	5,171	2,805	2,413	144	1,122	9,462	1,011	11,073
SHS1	0	1,344	178	0	127,614	20,470	0	3	433	6,721	2,697	842	159	193	17,608	5,652	26,427
SHS2	0	886	100	0	30,534	3,391	0	16	866	1,706	715	1,077	261	529	2,422	847	5,231
SHS3	0	4,092	441	0	441,998	54,337	0	24	1,468	11,904	5,637	2,186	192	1,377	68,790	9,990	80,588
Total	0	23,010	5,624	0	1,632,793	218,160	0	265	14,291	56,435	27,853	11,256	5,806	5,452	207,942	40,709	397,282

Table 3 -- Total ACE Available to Sectors in Fishing Year 2021 including Final Carryover (mt)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	25	124	2	127	1,455	21	0	0	13	14	15	0	25	3	58	23	667
MCCS	5	24	42	222	2,530	1,230	2	0	36	391	154	7	16	6	987	309	2,622
MOON	23	115	18	248	2,845	409	1	0	22	24	25	5	8	7	473	217	2,008
MPB	0	1	3	3	31	116	0	0	2	31	10	0	1	0	80	33	314
NEFS 2	12	63	79	693	7,948	2,508	1	0	183	316	203	19	73	13	1,554	196	2,846
NEFS 4	14	71	32	377	4,327	1,000	1	0	47	269	123	4	22	3	665	168	1,342
NEFS 5	1	5	1	38	442	12	1	3	7	13	9	2	2	35	2	2	8
NEFS 6	6	30	9	233	2,667	496	2	1	31	129	83	10	14	6	696	98	717
NEFS 7	1	6	0	26	378	20	1	0	1	11	5	3	0	1	29	5	51
NEFS 8	19	93	7	596	6,777	530	14	1	50	209	86	172	12	31	519	92	755
NEFS 10	1	5	7	11	131	144	0	0	31	31	28	0	27	2	34	14	149
NEFS 11	1	4	35	2	26	315	0	0	18	45	22	0	6	0	192	92	1,716
NEFS 12	1	6	9	6	70	122	0	0	62	22	9	0	38	1	23	6	152
NEFS 13	24	121	2	1,385	15,844	110	23	4	51	247	134	113	7	54	453	49	529
NHPB	0	0	3	0	0	3	0	0	0	1	0	0	0	0	2	2	21
SHS 1	11	52	9	490	5,395	966	2	0	20	313	125	44	8	9	815	263	1,226
SHS 2	7	35	6	117	1,320	184	3	1	41	82	35	50	13	25	127	45	300
SHS 3	32	167	22	1,697	19,787	2,788	7	1	72	584	276	105	9	68	3,338	485	3,911
Total	182	921	287	6,272	71,973	10,974	58	13	686	2,733	1,342	534	282	262	10,046	2,100	19,331

Table 4 -- Total ACE Available to Sectors in Fishing Year 2021 with including Final Carryover (1,000 lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	54	273	5	281	3,207	46	0	0	28	31	34	0	54	7	128	51	1,470
MCCS	10	52	93	489	5,578	2,711	4	1	79	862	339	15	36	13	2,175	682	5,780
MOON	50	254	39	548	6,271	902	2	0	48	53	55	12	19	16	1,044	478	4,426
MPB	1	3	7	6	69	255	0	0	5	69	21	0	3	0	175	74	693
NEFS 2	27	138	175	1,528	17,523	5,529	3	1	403	698	448	41	161	28	3,425	432	6,273
NEFS 4	31	157	72	832	9,539	2,205	3	1	103	593	271	9	49	7	1,467	371	2,959
NEFS 5	2	10	2	83	974	26	1	7	15	29	20	4	5	76	4	4	17
NEFS 6	13	66	19	513	5,881	1,092	5	2	68	284	184	22	31	13	1,534	217	1,580
NEFS 7	2	13	1	57	834	43	2	0	2	25	11	7	0	2	64	11	112
NEFS 8	41	205	15	1,315	14,941	1,169	31	3	111	461	191	379	26	68	1,145	204	1,664
NEFS 10	2	11	16	25	290	318	0	0	69	67	63	0	60	4	75	31	329
NEFS 11	2	8	76	5	57	694	0	0	39	99	49	0	13	0	424	203	3,784
NEFS 12	3	13	20	13	154	269	0	0	138	49	19	0	84	2	51	14	335
NEFS 13	53	267	5	3,053	34,929	243	51	9	112	545	295	248	15	118	998	109	1,166
NHPB	0	0	7	0	0	7	0	0	0	2	0	0	0	0	4	4	46
SHS 1	23	114	20	1,080	11,893	2,130	4	0	45	689	276	98	17	20	1,796	580	2,702
SHS 2	15	76	13	258	2,911	407	7	2	90	182	76	109	28	54	279	99	661
SHS 3	71	369	50	3,741	43,624	6,146	16	3	159	1,288	608	231	21	149	7,360	1,068	8,621
Total	402	2,030	634	13,828	158,674	24,193	129	29	1,513	6,025	2,959	1,176	622	578	22,148	4,630	42,619

Classification

NMFS is issuing this rule pursuant to 305(d) of the Magnuson-Stevens Act, which provides specific authority for implementing this action. Section 305(d) authorizes NMFS to take action because in a previous action taken pursuant to section 304(b), the Council designed the FMP to authorize NMFS to annually adjust and distribute sector carryover. See § 648.87(b)(1)(i)(C). Additionally, pursuant to section 305(d), this action is necessary to carry out the Northeast Multispecies FMP, because the regulatory corrections to the Redfish Exemption Area and Redfish Exemption Area Seasonal Closure II at § 648.85(e)(1)(ii) and § 648.85(e)(1)(ii)(B) are necessary to correctly administrate the Redfish Exemption Program. The NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws.

This rule has been determined to be not significant for purposes of Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), we find good cause to waive prior public notice and opportunity for public comment on the allocation adjustments and corrections because allowing time for notice and comment would be impracticable, unnecessary, and contrary to the public interest. We also find good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(1) and (3), so that this final rule may become effective in a timely manner and the fishery may maximize the economic benefits of the adjusted allocations to the fishery.

Notice and comment and a 30-day delay in effectiveness would be impracticable, unnecessary, and contrary to the public interest. The distribution of unused quota carried over from the previous fishing year is an annual adjustment action that is expected by industry. These adjustments increase available catch. They are routine, formulaic, and

authorized by regulation. The public had prior notice and opportunity to participate in the development of and comment on the regulations implementing this process and expects this adjustment each year. Delaying these adjustments would result in a delay in the distribution of unused carryover to sectors, and could negate or reduce the intended economic benefits and increased operational flexibility provided by these adjustments. We only recently finalized carryover for 2020 based on data available in the late fall.

The regulatory revisions in this rule are necessary to correct regulatory errors made in the implementation of Framework 61. Correcting these errors is not subject to our discretion, so there would be no benefit to allowing time for notice and comment. Immediate implementation corrects information published in Framework Adjustment 61 and provides industry with the most accurate information. Delaying these corrections could cause confusion about compliance with legal requirements. The need for these corrections was discovered only recently, so quicker action on our part was not possible.

Also, because advanced notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply to this rule. Therefore, no final regulatory flexibility analysis is required and none has been prepared.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: February 10, 2022.

Samuel D. Rauch, III
Deputy Assistant Administrator for Regulatory Programs,
National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648--FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.85, revise the introductory text of paragraph (e)(1)(ii) and paragraph (e)(1)(ii)(B) to read as follows:

§ 648.85 Special management programs.

* * * * *

(e) * * *

(1) * * *

(ii) *Redfish Exemption Area.* The Redfish Exemption Area is the area defined by straight lines connecting the following points in the order stated, except between points D and E and E and F, the boundary follows the outer limits of the U.S. EEZ. (A chart depicting this area is available from the Regional Administrator upon request):

Table 14 to Paragraph (e)(1)(ii) introductory text

Point	N. Lat.	W. Long.
A	43°00'	69°55'
B	43°00'	69°30'
C	43°20'	69°30'
D	43°20'	(¹)
E	42°53.24'	67°44.55'
F	42°20'	(²)
G	42°20'	67°40'
H	42°00'	67°40'
I	42°00'	69°37'
J	42°20'	69°55'
A	43°00'	69°55'

¹ U.S. EEZ longitude, approximately 67°35.07'.

² U.S. EEZ longitude, approximately 67°18.17’.

* * * * *

(B) *Redfish Exemption Area Seasonal Closure II*. No vessel may participate in the Redfish Exemption Program inside the Redfish Exemption Area Seasonal Closure II from September 1 through December 31 of each year. The Redfish Exemption Area Seasonal Closure II is the area defined by straight lines connecting the following points in the order stated, except between points F and G the boundary follows the outer limits of the U.S. EEZ:

Table 16 to Paragraph (e)(1)(ii)(B)

Point	N. Lat.	W. Long.
M	42°47.17’	67°40’
F	42°20’	(¹)
G	42°20’	67°40’
M	42°47.17’	67°40’

¹ U.S. EEZ longitude, approximately 67°18.17’.

* * * * *